

JOINT MEETING

Topsfield Zoning Board of Appeals

And

Topsfield Planning Board

February 11, 2014

Zoning Board Chairman Robert Moriarty called the joint meeting to order at 9:20 PM at the Proctor School Library. Zoning Board members present were Robert Moriarty, Jody Clineff, David Merrill, David Moniz and Gregor Smith. Planning Board members present were Chairman Martha Morrison, Jeanine Cunniff, Joseph Geller and Steven Hall. Roberta Knight, Community Development Coordinator and Selectman Richard Gandt were also present.

Chairman Moriarty deferred to Planning Board Chairman Martha Morrison who proceeded to review with all the members proposed revisions to the Topsfield Zoning Bylaw and referred to the handout entitled "Draft 2014 Warrant Articles, dated February 10, 2014". Ms. Morrison noted that the Planning Board was seeking comments and recommendations from the Zoning Board members relative to the proposed amendments since it is the Zoning Board's responsibility to enforce the Zoning Bylaw through the appeals process. The members discussed the following zoning amendments:

1. **Article VII, Section 7.04 Medical Marijuana Treatment Center:** amends this section in its entirety by deleting the Temporary Moratorium on Marijuana Treatment Centers and replacing it with a new section entitled "Medical Marijuana Treatment Center" that establishes regulations that reference the state CMR, allows use in the Business Park District by special permit, designates the Zoning Board of Appeals as the special permit granting authority and requires site plan review for said use. It was the consensus of the members to delete the details of Article IX Site Plan Review under Procedures and the special permit granting authority from any notification lists noted in the amendment.
2. **Article III, Section 3.02 Table of Use Regulations:** amends the Table of Use Regulations with the insertion of a new sub-section 2.18 Medical Marijuana Treatment Center. Approved as written by all members.
3. **Article IX, Section 9.04 Exemptions:** deleted as an amendment per discussion.
4. **Article IV, Section 4.08 Minimum Buildable Area:** amends section by reversing sections A and B, adding a new section C for lots created after May 6, 2014 in the ORA and the IRA Districts requiring each lot's buildable area to be capable of containing a 100 foot diameter circle within which there is not more than 5% of buffer zone, and re-lettering the existing section C to D and amending it to allow the Planning Board to require indication on subdivision plans or on plot plans the location on a lot or lots of the 100 foot diameter circle. Approved as written by all members.

5. **Article III, Section 3.05 Nonconforming Uses:** The members referred to the language in the Town of Middleton's Zoning Bylaw relative to non-conforming uses and developed proposed language that would add a new sub-section of limited exemptions to Section 3.05 for alterations to nonconforming single and two-family residential structures subject to the determination by the Inspector of Buildings that such alteration does not increase the nonconforming nature of said structure. Approved as drafted by all members.
6. **Article XVI, Section 16.04:** Housekeeping matter for alpha ordering.

Ms. Morrison noted that the other Planning Board warrant articles were for street acceptance of the various roadways in the Hickory Beech Subdivision.

The Zoning Board members had several comments concerning Draft #2 2014 Proposed Zoning Amendments which resulted in revisions as described in Draft #3 2014 Proposed Zoning Amendments; both of which are attached and incorporated herein.

The meeting was adjourned at 10:28 PM

Respectively submitted,

Roberta M. Knight
Community Development Coordinator